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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

KLOOSTERBOER INTERNATIONAL  
FORWARDING LLC and ALASKA  
REEFER MANAGEMENT LLC,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,  
U.S. DEPARTMENT OF HOMELAND  
SECURITY, U.S. CUSTOMS AND  
BORDER PROTECTION, and TROY A.  
MILLER, U.S. Customs and Border  
Protection Acting Commissioner, in his  
official capacity,

Defendants.

Case No.: 3:21-cv-00198-SLG

## **DECLARATION OF JENNIFER ADAMSKI**

Pursuant to 28 U.S.C. § 1746, I, Jennifer Adamski, declare as follows:

1. I am the Director of Operations & Logistics for plaintiffs Kloosterboer International Forwarding LLC (“KIF”) and Alaska Reefer Management LLC (“ARM”), which arrange transportation and related services for the movement of frozen seafood from Alaska to the Eastern U.S.
2. I submit this declaration in further support of Plaintiffs’ motion for a Temporary Restraining Order and Preliminary Injunction (the “Motion”). I have personal knowledge of the facts set forth in this Declaration.
3. I have reviewed notices of penalty (“NOP”) issued by the United States Customs and Border Protection Agency (“CBP”) to KIF and its customers and third-party strategic partners, such as owners of trucking companies and cold-storage facilities, in connection with the transport of frozen seafood from Dutch Harbor, Alaska (“Dutch Harbor”) to Calais, Maine via Bayside, New Brunswick, Canada (“Bayside”).
4. CBP has issued multiple NOPs to KIF and different other entities seeking, as to each such entity, the maximum amount of penalty allowed under the Jones Act concerning the exact same frozen seafood that purportedly was shipped in violation of the Jones Act.
5. For example, at least fourteen separate parties were fined in connection with the vessel Duncan Island, which, according to the NOPs, “engaged in the transportation of” frozen seafood from Dutch Harbor to Calais, Maine via Bayside on

August 28, 2019 (the “August 28 Penalties”).<sup>1</sup> The frozen seafood associated with the August 28 Penalties had a reported value of \$14,748,549.51. Based on the NOPs that KIF is currently aware of concerning this shipment, CBP collectively has fined KIF and the other thirteen separate entities more than five times the value of the products transported.

6. The August 28 Penalties include at least the following:
  - a. Two NOPs issued to KIF’s cold storage partners, Kloosterboer Dutch Harbor LLC (“KDH”) and Kloosterboer Bayside (“KBB”). KDH was fined \$11,508,858.70 and KBB was fined \$14,748,549.51, totaling \$26,257,408.21 in penalties. Copies of these NOPs are attached hereto as Exhibit 1.
  - b. One NOP totaling \$14,748,549.51 issued to the owner of the non-coastwise vessel that shipped the merchandise from Dutch Harbor to Bayside. A copy of this NOP is attached hereto as Exhibit 2.
  - c. Six NOPs totaling \$14,748,549.51 in fines issued to KIF’s shipper-customers.<sup>2</sup> Redacted copies of six of these NOPs are attached hereto as Exhibit 3.

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<sup>1</sup> The first truckload of product from this shipment arrived in Calais on August 28, 2019, which presumably explains why each of the NOPs associated with this shipment lists “8/28/2019” as the date the vessel “engaged in the transportation.” However, the product actually shipped from Dutch Harbor on August 3, 2019.

<sup>2</sup> KIF is aware that a seventh NOP has been issued by CBP to one of its shipper-customers in the amount of \$3,239,690.81 in connection with the August 28 Penalties. KIF does not currently have a copy of this NOP.

d. Four NOPs totaling \$9,862,117.45 in fines issued to KIF's third-party trucking partners. Redacted copies of these NOPs are attached hereto as Exhibit 4.

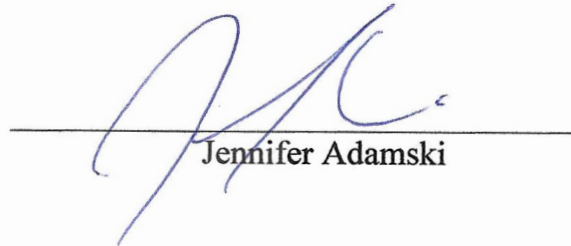
7. In addition to those penalties, KIF also received an NOP in connection with the same shipment in the amount of \$14,748,549.51. A copy of this NOP is attached hereto as Exhibit 5.

8. In short, the total of the August 28 Penalties, which is discussed for illustrative purposes and is by no means exclusive, represent \$80,365,174.19 in fines, which is more than five times the value of the merchandise.

9. Unless we are able to resume the shipment of frozen seafood product to the Eastern U.S., KIF faces a likelihood of immediate irreparable harm.

I declare under penalty of perjury under the laws of the United States of America  
that the foregoing is true and correct.

Dated: Bremerton, Washington  
September 13, 2021



Jennifer Adamski